

## **REMARKS**

In response to the Office Action dated November 17, 2006 (hereinafter, the “Action”), Applicant respectfully requests reconsideration based on the following remarks.

A review of the claims indicates that:

Claims 1-20 were previously pending.

Claims 1, 3, 6, 7, 9, 10, 12, 13, and 17 have been amended.

Claims 2, 5, 8, 11, 14, and 15 have been canceled.

Claims 1, 3, 4, 6, 7, 9, 10, 12, 13, and 16-20 are currently pending in this application.

Applicant respectfully requests reconsideration of the claims as presented.

### **Rejections under 35 U.S.C. §102(b)**

The Office rejects claims 1-3, 5, 6, 8, 9, 11, 12, 14, 15, and 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,672,065 to Womack (hereinafter, “Womack”). The Applicant respectfully traverses these rejections.

### **Claim 1**

Turning to **Independent Claim 1**, without conceding the propriety of the stated rejection, and without conceding that Womack provides the teaching for which it was cited in the Action, the Applicant has amended claim 1 as indicated above. For convenience of discussion, the Applicant reproduces here claim 1 as it would stand after entry of the above revisions:

“A ground rod cap, comprising:  
a crown portion configured with a cylindrical cavity to receive a ground rod and to deflect a falling object away from the ground rod, an inner surface of the crown portion defining a void that encircles a portion of the cylindrical cavity; and  
a support portion connected to the crown portion, the support portion configured to cover a ground rod clamp connecting a ground wire to the ground rod, and including a curved wall having an inner surface and an outer surface, wherein the inner surface defines a hollow cylinder that surrounds the ground rod clamp attaching the ground wire to the ground rod, such that the location of the ground rod, ground rod clamp, and ground wire attachment is surrounded by a cylindrical void.”

The Applicant submits that the above revisions to claim 1 are **fully supported under 35 U.S.C. § 112, 1<sup>st</sup> paragraph**, at least by paragraphs (0011), (0012), (0015), (0016), and Figures 1 and 4 of the Applicant’s Specification.

The Womack reference pertains generally to a device for connecting a ground rod to an electrical conductor. (Womack, Abstract). The device utilizes a sleeve having a pair of open chambers forming a tapered configuration (Womack, Abstract). The open chambers accommodate the ground rod and an electrical conductor and permit them to engage one another when the ground rod and electrical conductor are forced completely into their respective chambers. (Womack, Abstract).

The Applicant submits that Womack does not show or disclose every element of Applicant’s claim 1. For example, Womack does not disclose a ground rod cap with “...a crown portion configured with a cylindrical cavity to receive a ground rod...an inner surface of the crown portion defining a void that encircles a portion of the cylindrical cavity...” or “...a support portion... including a curved

wall having an inner surface and an outer surface, wherein the inner surface defines a hollow cylinder that surrounds the ground rod clamp attaching the ground wire to the ground rod, such that the location of the ground rod, ground rod clamp, and ground wire attachment is surrounded by a cylindrical void,” as in Applicant’s claim 1 after entry of the above revisions. Specifically, Womack does not show or disclose a void encircling a portion of the cylindrical cavity receiving the ground rod, nor does Womack show or disclose a support portion of a ground rod cap that includes a cylindrical void surrounding the location of the ground rod, ground rod clamp, and ground wire attachment, as in Applicant’s claim 1. The Office cites Fig. 6 of Womack as including like features (Action, page 2).

However, there is no indication that Womack shows a void surrounding the attachment of a ground rod and ground wire with a ground rod clamp, as provided in claim 1. Instead, Womack describes a “...device for connecting a ground rod to an electrical conductor that obviates the need for a clamping mechanism...” and which works “...by way of a friction fit” (Womack, Col. 2, lines 10-11 and 21). The “...contact between the ground rod and the electrical conductor takes place through the mouths of the first and second open chambers” of the device, and the contact “urg[es] the ground rod into engagement with the electrical conductor” (Womack, Col. 1, lines 53-55 and 50-51). This configuration may accomplish the stated title of the invention “Ground Rod Connecting Device” (Womack, title). The device in Womack does not show or disclose a ground rod cap with “...a support portion... including a curved wall having an inner surface and an outer surface, wherein the inner surface defines a hollow cylinder that surrounds the ground rod clamp attaching the ground wire to the ground rod, such that the

location of the ground rod, ground rod clamp, and ground wire attachment is surrounded by a cylindrical void,” as in Applicant’s claim 1. In fact, the ground rod cap of claim 1 does not contact the area of attachment of the ground rod and ground wire. This area is surrounded by a cylindrical void, as described in Applicant’s claim 1.

Because the Womack patent does not show or disclose every element of Applicant’s claim 1, Applicant respectfully submits that Womack does not support a §102 rejection of claim 1. The Applicant thus requests reconsideration and withdrawal of the §102 rejection of claim 1.

**Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, and 18**

Claims 2, 5, 8, 11, 14, and 15 have been canceled without prejudice or disclaimer; therefore the rejection of these claims is now moot. Claims 3, 6, 9, 12, and 18 depend directly or indirectly from claim 1. For at least the reasons set forth above with respect to claim 1, Applicant submits that dependent claims 3, 6, 9, 12, and 18 are also allowable and are not anticipated by Womack. Claims 3, 6, 9, 12, and 18 depend from claim 1, and therefore, the comments directed above to claim 1 apply equally to these dependent claims, as well as for the additional features they recite.

**Rejections under 35 U.S.C. §103(a)**

The Office rejects claims 1-9, 11-15, and 18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 2,147,829 to Daniels (hereinafter, “Daniels”)

in view of U.S. Patent 1,661,712 to VanWagner (hereinafter, "VanWagner"). The Applicant respectfully traverses this rejection.

**Independent Claim 1**

Turning to independent Claim 1, without conceding the propriety of the stated rejection, and without conceding that Daniels in view of VanWagner provides the teaching for which they were cited in the Action, the Applicant reproduces here claim 1 as it would stand after entry of the above revisions:

"A ground rod cap, comprising:

a crown portion configured with a cylindrical cavity to receive a ground rod and to deflect a falling object away from the ground rod, an inner surface of the crown portion defining a void that encircles a portion of the cylindrical cavity; and

a support portion connected to the crown portion, the support portion configured to cover a ground rod clamp connecting a ground wire to the ground rod, and including a curved wall having an inner surface and an outer surface, wherein the inner surface defines a hollow cylinder that surrounds the ground rod clamp attaching the ground wire to the ground rod, such that the location of the ground rod, ground rod clamp, and ground wire attachment is surrounded by a cylindrical void."

The Daniels patent pertains generally to a driving tool for tubular grounding rods (Daniels, Title). In particular, Daniels discloses a grounding rod driving tool which facilitates the driving of soft-metal grounding rods into the ground while also protecting the upper ends of the grounding rods from deformation when being driven into the ground (Daniels, Col. 1, lines, 9-10 and 14-18).

As such, Applicant submits that the Daniels reference does not teach or suggest every element of Applicant's claim 1. In particular, Daniels does not teach or suggest "...a crown portion configured with a cylindrical cavity to receive a ground rod and to deflect a falling object away from the ground rod, an inner surface of the crown portion defining a void that encircles a portion of the cylindrical cavity," as in Applicant's claim 1. Specifically, Daniels does not teach or suggest an inner surface of the crown portion defining a void encircling the cylindrical cavity that receives the ground rod. The void that encircles a portion of the cylindrical cavity works to "deflect a falling object away from the ground rod" (claim 1) by allowing the depression of the ground rod cap when pressure or falling objects strike from the outside of the ground rod cap. The Office cites a "void 14 [that] encircles the cavity formed by wall that extends from area 15 to 20 of a uniform thickness..." in Fig. 5 of Daniels (Action, page 3).

However, there is no indication that Daniels shows a void that encircles a portion of the cylindrical cavity that works to deflect a falling object away from the ground rod, as provided in claim 1. The "void" 14 cited by the Office is described in Daniels as an "annular recess" or "driving socket 14 having an inner end-wall or annular shoulder 15 whereby the recurring impacts of driving-head 13 are delivered to the upper end of the tubular grounding-rod" (Daniels, Col 2, lines 43-47). This driving socket is a cylindrical area sized to closely fit a grounding rod in order to facilitate driving the grounding rod into the ground. Fig. 5 of Daniels demonstrates that "[t]he portion 17 of the plunger-rod defines the inner wall of driving-socket 14 and is sized to slidably fit the inner wall of the tubular grounding-rod which is slidably engaged on its outer wall by the outer cylindrical

wall of driving-socket 14" (Daniels, page 2, Col. 1, lines 2-7). Fig. 5 and the accompanying description of the device in Daniels disclose a tight fit of the grounding rod against the device to facilitate the driving of the grounding rod into the ground.

As such, Daniels does not teach or suggest "...a crown portion configured with a cylindrical cavity to receive a ground rod and to deflect a falling object away from the ground rod, an inner surface of the crown portion defining a void that encircles a portion of the cylindrical cavity," as in Applicant's claim 1. The void that encircles a portion of the cylindrical cavity of Applicant's claim 1 teaches away from the device disclosed in Daniels, as a void in the crown portion of the ground rod cap works to deflect falling objects and pressure *away from* the ground rod rather than to increase pressure to the top of the grounding rod for positioning facilitation, as in Daniels. The Daniels patent does not teach or suggest the configuration of the ground rod cap in Applicant's claim 1.

Furthermore, VanWagner does not supply the teaching that is missing from Daniels. VanWagner discloses "a ground cap for electrically connecting a conductor with the ground through a tube or rod" (VanWagner, Col. 1, lines 3-5). Specifically, VanWagner discloses "a ground cap which is adapted to be secured on the upper end of the ground tube or rod to afford means for electrically connecting a ground wire or electrical conductor therewith" (VanWagner, Col. 2, lines 98-103). As such, VanWagner does not teach "...a support portion...including a curved wall having an inner surface and an outer surface, wherein the inner surface defines a hollow cylinder that surrounds the ground rod clamp attaching the ground wire to the ground rod, such that the location of the

ground rod, ground rod clamp, and ground wire attachment is surrounded by a cylindrical void,” as in Applicant’s claim 1 after entry of the above revisions. Instead, VanWagner discloses a ground cap that actually forms and facilitates the ground wire (or conductor) connection to the ground rod.

Because the combination of Daniels and VanWagner fails to teach or suggest every element of Applicant’s claim 1, the references fail to support an obviousness rejection of this claim under 35 U.S.C. §103(a). For at least the reasons just discussed, the §103 rejection should be reconsidered and withdrawn.

### **Claims 2-9, 11-15, and 18**

Claims 2, 5, 8, 11, 14, and 15 have been canceled without prejudice or disclaimer; therefore the rejection of these claims is now moot. Claims 3, 4, 6, 7, 9, 12, 13, and 18 depend directly or indirectly from claim 1. For at least the reasons set forth above with respect to claim 1, Applicant submits that dependent claims 3, 4, 6, 7, 9, 12, 13, and 18 are also allowable and are not anticipated by Daniels in view of VanWagner. Claims 3, 4, 6, 7, 9, 12, 13, and 18 depend from claim 1, and therefore, the comments directed above to claim 1 apply equally to these dependent claims, as well as for the additional features they recite.

### **Additional Rejections under 35 U.S.C. §103(a)**

The Office rejects claims 1-7 and 16-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,568,708 to Kassardjian, et al (hereinafter, “Kassardjian”) in view of VanWagner.

The Office rejects claims 8-15 under 35 U.S.C. §103(a) as being unpatentable over Kassardjian in view of VanWagner, further in view of U.S. Patent No. 6,978,803 to Brown (hereinafter “Brown”).

The Office rejects claim 19 under 35 U.S.C. §103(a) as being unpatentable over Kassardjian in view of U.S. Patent 1,556,966 to Selig (hereinafter, “Selig”). The Applicant respectfully traverses this rejection.

The Office rejects claim 20 under 35 U.S.C. §103(a) as being unpatentable over Daniels in view of Selig and VanWagner.

The Applicant respectfully traverses these rejections.

### **Independent Claim 1**

The Kassardjian patent pertains generally to a protective cover for covering an end of a concrete reinforcing bar (rebar) (Kassardjian, title). The protective cover includes a cylindrical collar, a cap perpendicularly attached to the collar by reinforcing ribs, and a metal seat arranged between the collar and the cap (Kassardjian, Abstract).

Without conceding the propriety of the stated rejection, and without conceding that Kassardjian in view of VanWagner provides the teaching for which they were cited in the Action, Applicant submits that Kassardjian does not teach or suggest every element of Applicant’s amended claim 1. Kassardjian does not teach “...a support portion connected to the crown portion, the support portion configured to cover a ground rod clamp connecting a ground wire to the ground rod, and including a curved wall having an inner surface and an outer surface,

wherein the inner surface defines a hollow cylinder that surrounds the ground rod clamp attaching the ground wire to the ground rod, such that the location of the ground rod, ground rod clamp, and ground wire attachment is surrounded by a cylindrical void,” as in Applicant’s claim 1. The Office states that an “embodiment in figure 1 shows that it was contemplated to also provide the crown portion with a void that encircles the cavity formed by wall near 2 of a uniform thickness...” (Action, page 5).

However, there is no indication that the “void” described by the Office is a “void that encircles a portion of the cylindrical cavity” in the crown portion, or a hollow cylindrical void that surrounds the ground rod attachment to the ground wire by the ground clamp in the support portion, as in Applicant’s claim 1. The “void” described by the Office in Fig. 1 is described in Kassardjian as an “open end 5” to a “collar section 3” “for receiving the reinforcing bar...”(Kassardjian, Col. 2, lines 61-62). The “collar section includes...off-center fins 7 which secure the reinforcing bar to the protective cover 1...[and] are set off-center so as to facilitate installation on the bars with a twisting motion” (Kassardjian, Col. 2, lines 62-67). The “open end” of the cap containing the protruding fins is large enough to accommodate the end of a rod or bar, such as a rebar. This disclosure in Kassardjian does not teach or suggest “...a support portion...including a curved wall having an inner surface and an outer surface, wherein the inner surface defines a hollow cylinder that surrounds the ground rod clamp attaching the ground wire to the ground rod, such that the location of the ground rod, ground rod clamp, and ground wire attachment is surrounded by a cylindrical void,” as in Applicant’s claim 1.

Further, VanWagner fails to provide the teaching that is missing from Kassardjian, for the same reasons as described above in the §103 rejection of claim 1 citing Daniels. VanWagner discloses “a ground cap which is adapted to be secured on the upper end of the ground tube or rod to afford means for electrically connecting a ground wire or electrical conductor therewith” (VanWagner, Col. 2, lines 98-103), and therefore does not teach “...a ground rod, ground rod clamp, and ground wire attachment [that] is surrounded by a cylindrical void,” as in Applicant’s claim 1.

Because the combination of Kassardjian and VanWagner fails to teach or suggest every element of Applicant’s claim 1, the references fail to support an obviousness rejection of this claim under 35 U.S.C. §103(a). For at least the reasons just discussed, the §103 rejection should be reconsidered and withdrawn.

### **Claims 2-7 and 16-18**

Claims 2 and 5 have been canceled without prejudice or disclaimer; therefore the rejection of these claims is now moot. Claims 3, 4, 6 and 16-18 depend directly or indirectly from claim 1. For at least the reasons set forth above with respect to claim 1, Applicant submits that dependent claims 3, 4, 6 and 16-18 are also allowable and are not anticipated by Kassardjian in view of VanWagner. Claims 3, 4, 6 and 16-18 depend from claim 1, and therefore, the comments directed above to claim 1 apply equally to these dependent claims, as well as for the additional features they recite.

The Office rejects claims 8-15 under 35 U.S.C. §103(a) as being unpatentable over Kassardjian in view of VanWagner, further in view of U.S. Patent No. 6,978,803 to Brown (hereinafter “Brown”). The Applicant respectfully traverses this rejection.

**Claims 8-15**

Claims 8, 11, 14 and 15 have been canceled without prejudice or disclaimer; therefore the rejection of these claims is now moot. Claims 9, 10, 12, and 13 depend directly or indirectly from claim 1. For at least the reasons set forth above with respect to claim 1, Applicant submits that dependent claims 9, 10, 12, and 13 are also allowable and are not anticipated by Kassardjian in view of VanWagner. Further, Brown adds nothing to the missing teachings of the Kassardjian-VanWagner combination. Claims 9, 10, 12, and 13 depend from claim 1, and therefore, the comments directed above to claim 1 apply equally to these dependent claims, as well as for the additional features they recite.

The Office rejects claim 19 under 35 U.S.C. §103(a) as being unpatentable over Kassardjian in view of U.S. Patent 1,556,966 to Selig (hereinafter, “Selig”). The Applicant respectfully traverses this rejection.

**Claim 19**

Without conceding the propriety of the stated rejection, and without conceding that Kassardjian in view of Selig provides the teaching for which they

were cited in the Action, the Applicant reproduces here claim 19 as it stands above:

“A ground rod cap, comprising:  
a closed end;  
an open end opposite the closed end,  
an outer surface;  
an inner surface; and

a ground rod receptacle within the ground rod cap which protrudes towards the open end of the ground rod cap and is defined by the inner surface of the ground rod cap, the ground rod receptacle defining a central cavity within the ground rod receptacle to receive a ground rod, the ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the ground rod cap.”

The Applicant submits that the Kassardjian reference does not teach or suggest every element of Applicant's claim 19, for similar reasons as described for claim 1. In particular, Kassardjian does not teach or suggest a “...ground rod receptacle defining a central cavity within the ground rod receptacle to receive a ground rod, the ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the ground rod cap,” as in Applicant's claim 19. Specifically, Kassardjian does not teach or suggest curved side surfaces surrounded by a cylindrical void within the ground rod cap. As described previously, Kassardjian discloses a protective cover with an “open end 5” to a “collar section 3” “for receiving [a] reinforcing bar...”(Kassardjian, Col. 2, lines 61-62; Fig. 1). As such, Kassardjian does not teach a “ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the ground rod cap,” as in Applicant's claim 19.

Further, the Selig reference fails to provide the teaching that is missing in Kassardjian. Because the combination of Kassardjian and Selig fails to teach or suggest every element of Applicant's claim 19, the references fail to support an obviousness rejection of this claim under 35 U.S.C. §103(a). For at least the reasons just discussed, the §103 rejection should be reconsidered and withdrawn.

The Office rejects claim 20 under 35 U.S.C. §103(a) as being unpatentable over Daniels in view of Selig and VanWagner. The Applicant respectfully traverses this rejection.

### **Claim 20**

Without conceding the propriety of the stated rejection, and without conceding that Daniels in view of Selig and VanWagner provides the teaching for which they were cited in the Action, the Applicant reproduces here claim 19 as it stands above:

“A ground rod cap, comprising:  
a crown portion including:  
an outer surface which is curved to define a dome having a closed first end and an open second end;  
an inner surface;  
a ground rod receptacle which protrudes towards the open second end of the crown portion and is defined by the inner surface of the crown portion, the ground rod receptacle defining a central cavity within the ground rod receptacle to receive a ground rod, the ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the crown portion, wherein the cylindrical void facilitates deformation of the dome when an object strikes the ground rod cap to deflect the object away from the ground rod; and  
a support portion including a cylindrical wall connected to and extending from the open second end of the crown portion to define a hollow cylindrical opening configured to cover a ground rod clamp for attaching a ground wire to the ground rod.”

The Applicant submits that the Daniels reference does not teach or suggest every element of Applicant's claim 20, for similar reasons as described for claim 1. In particular, Daniels does not teach or suggest a "...ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the crown portion, wherein the cylindrical void facilitates deformation of the dome when an object strikes the ground rod cap to deflect the object away from the ground rod," as in Applicant's claim 20. As described previously, the cylindrical void within the crown portion of Applicant's claim 20 teaches away from the device disclosed in Daniels, as a void in the crown portion of the ground rod cap works to deflect falling objects and pressure *away from* the ground rod rather than to increase pressure to the top of the grounding rod for positioning facilitation, as in Daniels. The Daniels patent does not teach or suggest the configuration of the ground rod cap in Applicant's claim 1.

Further, the Selig and Van Wagner references do not remedy the missing teachings of Daniels. Because the combination of Daniels, Selig, and VanWagner fails to teach or suggest every element of Applicant's claim 20, the references fail to support an obviousness rejection of this claim under 35 U.S.C. §103(a). For at least the reasons just discussed, the §103 rejection should be reconsidered and withdrawn.

## Conclusion

The Applicant respectfully requests reconsideration of the pending rejections, and that the pending claims be allowed to issue.

Respectfully Submitted,

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